

REMARKS

This application was filed with 19 claims. Claims 1 – 19 have been rejected. No claims have been canceled. Claims 1 – 7, 12, 14, 17 and 19 have been amended. Therefore, Claims 1 – 19 are pending in the Application. Reconsideration of the application based on the remaining claims as amended and arguments submitted below is respectfully requested.

Claim Objections

Claims 1 and 12 were objected to because of informalities. Appropriate correction has been made in the amended Claims 1 and 12 as required by the Office Action.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1, 3, 4, and 6 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Conroy et al, Ward et al, or Lutz. Claims 7 – 9 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Conroy et al, or Ward et al.

MPEP § 2131 provides: “‘A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.’ Verdegall Bros. v Union Oil Co. of California, 814 F. 2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ‘The identical invention must be shown in as complete detail as contained in the ... claim.’ Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.”

Independent Claims 1 and 12 have been amended to recite a limitation to a soffit channel. Independent Claim 7 has been amended to recite limitations to a soffit and to a camouflaging lid. Applicant submits that the amended limitations are neither expressly found nor inherently described in the cited prior art references. Since the cited prior art fails to disclose all of the limitations set forth in Claims 1 and 7, Applicant respectfully submits that the rejections of Claims 1 and 7, as amended, under 35 U.S.C. §102(b) are not supported by the cited art and should be withdrawn. Applicant respectfully further submits that the amendments to Claims 1 and 7, overcome any previous rejection under 35 U.S.C. §102(b) and Claims 1 and 7 are in condition for allowance.

Claims 3, 4, and 6 depend from Independent Claim 1 and Claims 8 and 9 depend from Independent Claim 7. Since the amendments to Claims 1 and 7, overcome any previous rejection under 35 U.S.C. §102(b), the rejection of Claims 3, 4, 6, 8 and 9 under 35 U.S.C. § 102(b) should be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claim 2 has been rejected under 35 U.S.C. § 103 based on Conroy et al, Ward et al, or Lutz in view of Somersall. Claim 5 has been rejected under 35 U.S.C. § 103 based on Conroy et al, Ward et al, or Lutz in view of Sauriol. Claim 10 has been rejected under 35 U.S.C. § 103 based on Conroy et al, or Ward et al in view of Deckas. Claim 11 has been rejected under 35 U.S.C. § 103 based on Conroy et al, or Ward et al in view of Lee.

The MPEP § 2143.03 provides that “if an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F. 2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).” Applicant respectfully asserts that Claims 1 and 7 are independent claims that are nonobvious for the reasons stated above. Claims 2 and 5 depend from Claim 1. Claims 10 and 11 depend from Claim 7. Applicant, therefore, respectfully asserts that Claims 2, 5, 10 and 11 are nonobvious. Thus, rejections of Claims 2, 5, 10 and 11 under 35 U.S.C. §103 should be withdrawn.

Claims 12 -19 have been rejected under 35 U.S.C. § 103 based on Conroy et al, or Ward et al in view of Official Notice.

The MPEP § 2143.03 provides that “to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royyka*, 490 F. 2d 981, 180 USPQ 580 (Fed. Cir. 1974).” Conroy et al, and Ward fail to teach or suggest all the claim limitations of Independent Claim 12, as amended, of the present invention. Claim 12, as amended, of the present invention recites a limitation of a structure, a soffit channel. Applicant respectfully submits that the Conroy et al, and Ward fail to teach or suggest the limitation of a soffit channel and, therefore, there is no *prima facie* case of obviousness. Thus, rejection of Claims 12 under 35 U.S.C. §103 as unpatentable over Conroy et al, or Ward et al in view of Official Notice is not supported by the cited art and should be withdrawn.

Claims 13 – 19 depend from Claim 12. Applicant, therefore, respectfully asserts that Claims 13 – 19 are nonobvious. Thus, rejections of Claims 13 – 19 under 35 U.S.C. §103 should be withdrawn.

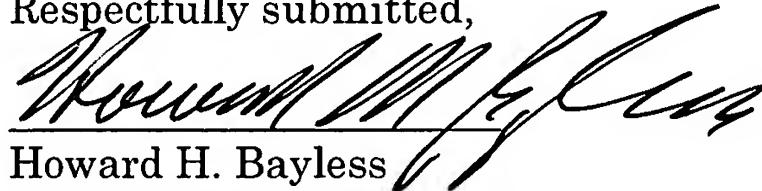
Applicant respectfully asserts that Claims 1 -19 are now in condition for allowance and request reconsideration of the claims as amended.

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

Petition to Extend Time

Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions the Commissioner to extend the time for responding to the August 11, 2004, Office Action for 3 months from November 11, 2004, to February 11, 2005. Applicant encloses herewith a check in the amount of \$510 made payable to the Director of the USPTO for the petition fee. The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,



Howard H. Bayless
Registration No. 51,245
WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456

ATTORNEY FOR APPLICANT

Howard H. Bayless
Waddey & Patterson
414 Union Street, Suite 2020
Bank of America Plaza
Nashville, TN 37219
(615) 242-2400